

1 Louis M. Marlin, Esq. [Bar No. 054053]
Stanley D. Saltzman, Esq. [Bar No. 090058]
2 **MARLIN & SALTZMAN**
3200 El Camino Real, Suite 100
3 Irvine, CA 92602
(714) 669-4900 Fax: (714) 669-4750
4 louis.marlin@marlinsaltzman.com
ssaltzman@marlinsaltzman.com
5 Attorneys For: Plaintiffs and Proposed Plaintiff Class
In Case Number CV 06 05411 SBA (Ballard)*

*Additional Counsel on Following Page

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 | In Re WAL-MART STORES, INC.
WAGE AND HOUR LITIGATION

Case Numbers: C 06 02069 SBA

CLASS ACTION

**DECLARATION OF STANLEY D.
SALTZMAN IN SUPPORT PLAINTIFF CLASS
OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT/
ADJUDICATION DIRECTED TOWARD THE
PLAINTIFF CLASS**

14 | This Document Relates To:

15 | Case Nos.

16 C 06 02069 SBA (Smith) and
CV 06 05411 (SBA) Ballard

Date : April 22, 2008
Time : 1:00 p.m.
Courtroom : 3
Hon. Saundra Brown Armstrong

1 **ADDITIONAL PLAINTIFFS' COUNSEL**
2 Arnold W. Schwartz, Esq. [SBN 63436]
3 Marcus J. Bradley, Esq. [SBN 174156]
4 **SCHWARTZ, DANIELS & BRADLEY**
5 29229 Canwood Street, Suite 208
6 Agoura Hills, CA 91301
7 (310) 478-5838 Fax: (310) 478-1232
8 arnold.schwartz@schwartzdanielsbradley.com
9 Marcus.bradley@schwartzdanielsbradley.com

10
11 Peter M. Hart [Bar No. 198691]
12 **LAW OFFICES OF PETER M. HART**
13 13952 Bora Bora Way, F-320
14 Marina Del Rey, CA 90292
15 (310) 478-5789 Fax: (310) 561-6441
16 hartpeter@msn.com

17
18 Susan Simmons Seemiller [Bar No. 150546]
19 **BAILEY PINNEY PC**
20 840 Country Square Drive
21 Ventura, CA 93003
22 (805) 339-9090 Fax: (805) 339-0090
23 sseemiller@wagelawyer.com

24
25 **BONNIE R. MAC FARLANE** [CA Bar No. 161526]
26 720 Howe Ave, Suite 113
27 Sacramento, CA 95825
28 (800) 230-5528 Fax (800) 230-5866
bmacfarlane@wagelawyer.com

Stanley D. Saltzman declares as follows:

2 1. I am an attorney at law, duly licensed to practice before all of the courts of the State of
3 California. I am admitted to practice before the United States District Court for the Northern District
4 of California, as well as the District Courts for the Central and Southern District. I am a principal in
5 Marlin & Saltzman, one of the firms representing the Plaintiffs and the proposed class. Along with
6 attorney Louis M. Marlin, I am one of the attorneys in our firm primarily responsible for the litigation
7 of this matter. In that capacity, I have been involved with reviewing all discovery propounded to and
8 responded to by Defendant, and the documents produced in this case. I also have also either taken, or
9 read and reviewed, certified copies or originals of all depositions taken in the case.

10 2. Attached hereto as Exhibit A is a true and correct copy of the July 30, 2007, signed
11 Stipulation and Order Dismissing Third Claim for Relief and Striking Related Allegations in this
12 matter.

13 3. Attached hereto as Exhibit B is a true and correct copy of the January 14, 2005,
14 Complaint in the matter of *Jerilyn Newland, Charlotte Johnson and James Davis v. Wal-Mart Stores,*
15 *Inc., et al.* Case No. RG0519321, filed in Alameda Superior Court.

16 4. Attached hereto as Exhibit C is a true and correct copy of excerpts from this Court's
17 signed May 29, 2007, Order on Defendant's Motion to Dismiss.

18 5. Attached hereto as Exhibit D is a true and correct copy of Defendant Wal-Mart Stores,
19 Inc.'s Objections and Response to Plaintiff Ballard's Notice of Deposition and Demand for Production
20 of Documents dated February 29, 2008. Specifically, responses to the following document request
21 numbers indicate that Wal-Mart would be producing data reflecting the number and monetary value
22 of all uncashed and unreplaced payroll checks issued during the class period, the number and value
23 of all checks escheated to the state during the class period, and related data. The request numbers to
24 note are: 1,2, 3, 5, 6, 8, 9,11, 12, 13, 14. The data was then produced, and provided to Dr. Shapiro for
25 analysis, as reflected in ¶ 28 of his declaration filed herewith.

26 6. Attached hereto as Exhibit E is a true and correct copy of an e-mail dated March 3,

1 2003, from Canetta Reid to Diana McChristian (Bates Nos. WMHOe-03001-004-00000734 - 735)
2 produced by defendants in discovery.

3 7. Attached hereto as Exhibit F is a true and correct copy of an e-mail dated August 4,
4 2004, and the transmitted attachment from Canetta Ivy Reid to Lisa Heilman, Carl Cole and Barbara
5 Kulwicki (Bates Nos. WMHOe-000067-023-00001077 - 1078) produced by defendants in discovery.

6 8. Attached hereto as Exhibit G is a true and correct copy of the Wage and Hour Cross-
7 Functional Compliance Team Minutes for August 28, 2003, meeting, attached to an e-mail dated
8 September 3, 2003 from Cannetta Ivy Reid (Bates Nos. WMHOe-000067-023-00059065 - 59067),
9 produced by defendants in discovery.

10 9. Attached hereto as Exhibit H are true and correct copies of excerpts from the certified
11 transcript of the Videotaped Deposition of Canetta Ivy Reid taken on March 21, 2008.

12 10. Attached hereto as Exhibit I is a true and correct copy of Quarterly Timeline for Online
13 Projects, attached to an e-mail dated September 29, 2003, from Canetta Ivy Reid to Shane Johnson
14 (Bates Nos. WMHOe-000067-023-00044536 - 44537), produced by defendants in discovery.

15 11. Attached hereto as Exhibit J is a true and correct copy of Business Scope Document,
16 Project Name: Web Based Terminal Pay Form 2 dated September 10, 2004 (Bates Nos. WMHOp-
17 000649-004-00000463 - 466), produced by defendants in discovery.

18 12. Attached hereto as Exhibit K are true and correct copies of excerpts from the certified
19 transcript of the Videotaped Deposition of Carl Cole dated February 20, 2008.

20 13. Attached hereto as Exhibit L is a true and correct copy of Document of Understanding,
21 Project Name: Instant Payout, attached to an e-mail dated October 9, 2006, from Brenda Clinton to
22 Andrea Ards (Bates Nos. WMHOe-020040-001-00000278 - 282), produced by defendants in
23 discovery.

24 14. Attached hereto as Exhibit M is a true and correct copy of an untitled document dated
25 September 30, 2004 (Bates No. WMHOp-000649-002-00000711), produced by defendants in
26 discovery.

27

1 15. Attached hereto as Exhibit N is a true and correct copy of Fiscal Year End 2004
2 Objectives Wage and Hour Compliance, attached to an e-mail dated March 17, 2003, from Canetta
3 Reid to Charlyn Jarrells Porter (Bates Nos. WMHOe-000067-023-00019266 - 19268), produced by
4 defendants in discovery.

5 16. Attached hereto as Exhibit O is a true and correct copy of Fiscal Year End 2005
6 Objectives Corporate Employment Compliance (Bates No. WMHOp-040001-006-00000084),
7 produced by defendants in discovery.

8 17. Attached hereto as Exhibit P is a true and correct copy of an e-mail string dated May,
9 11, 2006, between Andrea Ards and Anath Shanmugam (Bates Nos. WMHOe-020040-001-00000119 -
10 120), produced by defendants in discovery.

11 18. Attached hereto as Exhibit Q is a true and correct copy of an e-mail dated September
12 20, 2006, attaching Document of Understanding, Project Name: Instant Payout (Bates Nos. WMHOe-
13 040037-001-0000001 - 5), produced by defendants in discovery.

14 19. Attached hereto as Exhibit R are true and correct copies of excerpts from the certified
15 transcript of the Video Deposition of Diana McChristian dated April 4, 2007.

16 20. Attached hereto as Exhibit S are true and correct copies of excerpts from the certified
17 transcript of the Videotaped Deposition of Canetta Reid dated August 29, 2007.

18 21. Attached hereto as Exhibit T are true and correct copies of excerpts from the
19 Declaration of Martin M. Shapiro, Ph.D. previously filed herein, in Support of Plaintiffs' Motion for
20 Class Certification dated October 8, 2007.

21 22. Attached hereto as Exhibit U are true and correct copies of excerpts from the certified
22 transcript of the Videotaped Deposition of Diana McChristian dated August 28, 2007

23 23. Attached hereto as Exhibit V is a true and correct copy of Martin M. Shapiro's Report
24 on Termination and Pay-Outs in California Wal-Mart Stores dated March 25, 2008.

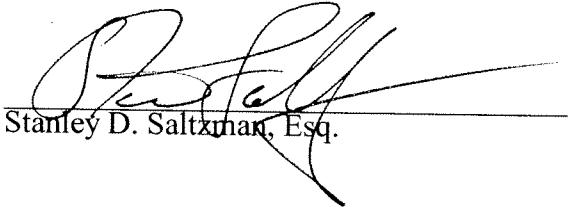
25 ///

26 ///

27

28

1 I declare, pursuant to the laws of the United States and of the State of California, that the
2 foregoing is true and correct to the best of my personal knowledge. This Declaration is executed on
3 April 1, 2008, at Agoura Hills, California.

4
5 
6 Stanley D. Saltzman, Esq.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27